

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

ANTONIO MENDEZ,
ROSA GUERRA INDIVIDUALLY
AND AS NEXT FRIEND OF
J. D., C. D, AND I. D.,
MINOR CHILDREN
Plaintiff

VS

BRADLEY DEAN JOHNSON AND
DANNY HERMAN TRUCKING, INC.
Defendant

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CIVIL ACTION NO.
2:22-cv-28

DEFENDANTS BRADLEY DEAN JOHNSON AND
DANNY HERMAN TRUCKING, INC.'S NOTICE OF REMOVAL

Defendants, **BRADLEY DEAN JOHNSON AND DANNY HERMAN TRUCKING, INC.**, file this Notice of Removal for the purpose of removing this cause to the United States District Court for the Western District of Texas, Del Rio Division, based upon diversity jurisdiction, and state as follows:

I. STATE COURT ACTION

1. This is an action filed on or about April 12, 2022, in the 293rd Judicial District, Maverick County, Texas (the "State Court") being Cause No. **22-04-40966-MCV** on the docket of the court (the "State Court Petition"), and being a suit by Plaintiffs **ANTONIO MENDEZ, ROSA GUERRA INDIVIDUALLY AND AS NEXT FRIEND OF J.D., C.D. AND I.D., MINOR CHILDREN**, against Defendants **BRADLEY DEAN JOHNSON AND DANNY HERMAN TRUCKING, INC.**, for money damages arising from a commercial vehicle accident occurring on or about March 30, 2021, in Eagle Pass, Maverick County, Texas (the "Accident"). Plaintiffs allege claims of negligence against

Defendant Bradley Dean Johnson, and alleges claims of negligence per se, negligent entrustment, negligent hiring and negligence against Defendant Danny Herman Trucking, Inc. Plaintiffs' causes of action arise entirely under Texas state tort law.

II. FEDERAL JURISDICTION BASED ON DIVERSITY

2. Plaintiffs **ANTONIO MENDEZ, ROSA GUERRA INDIVIDAULLY AND AS NEXT FRIEND OF J.D., C.D. AND I.D., MINOR CHILDREN** allege that they are individuals and resident of Eagle Pass, Maverick County, Texas. Plaintiffs have admitted in their Plaintiffs Original Petition that Defendant, Danny Herman Trucking Inc., is a foreign corporation, namely a Foreign For-Profit Corporation. Defendant, Bradley Dean Johnson, was an individual and resident of Tucson, Arizona. Each of the Plaintiffs **ANTONIO MENDEZ, ROSA GUERRA INDIVIDAULLY AND AS NEXT FRIEND OF J.D., C.D. AND I.D., MINOR CHILDREN** have alleged damages of less than \$75,000 against each Defendant. They have therefore alleged damages of at least \$150,000 per Plaintiff in this matter. Plaintiffs have alleged damages including severe personal injuries, pain and suffering, mental anguish, impairment, inconvenience, incurred reasonable and necessary medical expenses in the past and future and loss of earning capacity in the past and future.

3. There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. § 1332 (a)(1). The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§ 1332, 1441, and 1146.

III. STATE COURT DOCUMENTS ATTACHED

4. This Notice of Removal is being filed within thirty (30) days after receipt through service or otherwise of Plaintiff's Original Petition filed in the State Court. This suit was originally filed on April 12, 2022. Defendants' **BRADLEY DEAN JOHNSON AND DANNY HERMAN TRUCKING**, were served with this lawsuit on June 7, 2022.

Removal is therefore timely under 28 U.S.C. § 1446(b). Attached hereto are copies of all pleadings, process, and orders received or filed by the parties in the State Court pursuant to 28 U.S.C. § 1446(a). Also attached is a copy of the State Court docket sheet and the entire contents of the State Court file.

IV. EXHIBITS TO NOTICE OF REMOVAL

5. **The index of State Court documents are as follows:**

- A. **Docket Sheet** from the 293rd Judicial District Court, Maverick County, Texas;
- B. **Plaintiff's Original Petition;**
- C. **Defendants' Bradley Dean Johnson and Danny Herman Trucking, Inc. Original Answer and Affirmative Defenses; and**
(Filed in State Court before Removal)
- D. **Defendants' Suggestion of Death of Bradley Dean Johnson**
- E. **Notice of Filing of Removal.**
- F. **List of Counsel of Record.**

V. RELIEF REQUESTED

6. Defendants respectfully request that Cause No. **22-04-40966-MCV** in the 293rd Judicial District, Maverick County, Texas, be removed to the United States District Court for the Western District of Texas, Del Rio Division - the district court and division of proper jurisdiction and venue, and that this court assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,
LOPEZ PETERSON, PLLC

/s/ Joe Maldonado, Jr.

Joe Maldonado, Jr.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was forwarded via certified mail, return receipt requested, via facsimile and/or hand-delivered to the Plaintiff s attorney on the 17th day of June, 2022, to-wit:

Via Facsimile No. 830-776-5475

Sandra Cortes

Mata-Cortez Law Firm, P.C.

626 Madison Street

Eagle Pass, Texas 78852

/s/ Joe Maldonado, Jr.

Joe Maldonado, Jr.